

# Briefing



**To: Branch Secretaries**

**9 November 2021**

**Branch briefing**

**BB-120-21**

## **Revised 5 tests for safe workplaces**

At the outset of the Covid 19 pandemic, PCS developed 5 tests for safe workplaces. The tests were designed to make workplaces secure at the outset of the pandemic and were based on the conditions that existed at that point.

The National Executive Committee (NEC) has kept the tests under review to ensure that they are responsive to the latest developments. The NEC recently discussed the 5 tests in the context of the current state of play in the pandemic.

### **Revised 5 tests**

The NEC decided to revise the 5 tests to reflect the latest position. The revised version of the tests is contained at Annex A this briefing.

The revised tests take account of the changed position in the pandemic and of the latest position industrially within our key spheres of influence.

The tests have been slightly reordered and revised. The key points of revision are as follows:

#### **i) No forced return to workplaces**

Previously, this test had focused on community transmission rates and the importance of the development and implementation of a vaccine. Taking account of

the position reached in the vaccine rollout, the lifting of lockdown measures and political pressure for a return to workplaces, the emphasis of the test has been altered to focus on no forced return to workplaces.

**ii) Workplaces must be safe places**

Changes to this test are minimal, with some minor tweaks to acknowledge that the vast majority of workplaces are open. The emphasis on maximising safety at those workplaces continues.

**iii) Staff must be individually assessed**

Again, changes to this test are minimal, with some minor tweaks to acknowledge that the vast majority of workplaces are open. The emphasis on maximising the safety of individual workers, taking account of their individual needs, continues.

**iv) Outbreaks must be controlled**

There is only one minor change to this test - the deletion of the reference to the introduction of a test track and trace system which has clearly being overtaken by events.

**v) Hybrid working opportunities must be normalised**

Previously, this test focused on workplaces only being open for essential work. Taking account of events since the pandemic began, the emphasis of the test has been altered to focus on allowing workers the greatest possible choice and flexibility over how and where they do their jobs.

**Action for branches**

Our entire approach to the pandemic should continue to be seeking to maximise safety and to minimise risk. Branches are asked to apply this guiding principle in all negotiations with the employer on workplace safety; and to ensure that the tests are appropriately applied in all workplaces.

In line with previous advice and guidance, in the event that the employer is failing in their duty to maintain safe workplaces, an industrial response must be considered. If groups and branches which to explore this option, a meeting with the National

Disputes Committee Secretary, Paul O'Connor, should be sought through your full-time officer.

**Mark Serwotka**  
**General Secretary**

**Fran Heathcote**  
**President**

## **ANNEX A**

### **1. No forced return to workplaces**

*There must be no forced return to workplaces*

The majority of PCS members are working at home and have been throughout most of the pandemic. PCS believes that any forced return to workplaces compromises the safety of workers and the public. Coronavirus is highly contagious. Increasing the numbers on public transport and in workplaces will expose essential workers to greater risks.

### **2. Workplaces must be safe places**

*Workplaces must have a union agreed risk assessment to include all factors known to affect virus transmission, and an equality impact assessment. Each workplace must be designed to minimise risk, including the operation of social distancing, and where necessary provide adequate PPE.*

The risk of workplace transmission of coronavirus must be minimised so that it is as safe as possible to attend at workplace. Under the **Management of Health and Safety at Work Regulations 1999**, employers are required to:

- identify what could cause injury or illness (hazards)
- decide how likely it is that someone could be harmed and how seriously (the risk)
- take action to eliminate the hazard, or if this is not possible, control the risk

It is a legal requirement that a competent person should carry out a specific **Covid-19 risk assessment**, in consultation with union and safety reps.

The risk assessment must take into account:

- The “whole building” access to and egress from the workplace, traffic routes through shared spaces, toilets and other facilities
- Minimising staff numbers, split shifts, social distancing measures
- Ventilation in the office, and hygiene arrangements
- Ensuring that travel to work is consistent with social distancing, provision of parking, cycle storage and shower facilities
- Personal Protective Equipment – if a risk cannot be eliminated then PPE must be provided.

Given that the main transmission route of Covid is largely through the air, ventilation is vital in combatting it. Therefore each risk assessment must especially look into the adequacy of ventilation. Each building should have CO2 monitors by which air flow can be monitored.

In buildings or sites occupied by more than one organisation there must be building/site wide safety committees. The risk assessment must be discussed with safety reps and the safety committee. In these circumstances, union reps should make it clear to employers whether they agree with the risk assessment and the action to eliminate or control the risk of coronavirus.

Workplaces must be safe for all, so an equality impact assessment must take place in consultation with union and equality reps. The equality impact assessment must take into account the impact of the Covid19 on all employees with protected characteristics. In addition to any discrimination the EIA must take into account higher proportion of members of BAME communities who have died of coronavirus, and impact on disabled people.

This test will be met if local union and health and safety reps agree that the risk assessment, the risk elimination and control measures and the equality impact assessment are adequate and in place.

### **3. Staff must be individually assessed**

*Staff must not be required to attend a workplace if they are vulnerable or cannot travel to work safely.*

In addition to the risk assessment and equality impact assessment, individual staff must be confidentially assessed. This individual assessment must take into account the following factors:

- Those in vulnerable categories, living in the same household as those in vulnerable categories, or have caring responsibilities.
- Individual travel arrangements, including avoiding public transport.
- Increased levels of anxiety for those in vulnerable categories or those in ethnic groups with higher death rates.

This test will be met if staff in these categories, who do not wish to, are not required to attend workplaces.

#### **4. Outbreaks must be controlled**

*Preventing infection at work is vital, but it is also important to monitor the effectiveness of prevention and have in place a plan to manage any outbreak of infection.*

Where there is an outbreak a workplace must be closed and cleaned. The outbreak must be tracked and contacts with the infection traced. The building must only be reopened when the cause of the outbreak has been identified, those at risk of infection have been contacted, a further risk assessment has taken place and additional remedial measures have been put in place to reduce the risk of a further outbreak.

The most effective way of controlling the risk of infection is with a comprehensive regular testing programme for all employees in a workplace (including any working for contractors).

This test will be met when employers can show they have an effective outbreak control plan in place.

#### **5. Hybrid working opportunities must be normalised**

*The post-pandemic settlement should allow for the greatest possible choice and flexibility for workers over how and where they do their jobs.*

Hybrid working must not, however, be used to facilitate a significant return to the workplace during the pandemic, which would increase the risk of spreading the virus throughout workplaces, our membership and communities.